

SEP 14 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

<p>FRANCISCO BOLANOS; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ALBERTO R. GONZALES, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 05-74260

Agency Nos. A73-972-947
A78-972-948
A73-972-949
A73-972-950
A73-972-451

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 11, 2006 **

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

Francisco Bolanos and his family, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") orders denying their motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review de

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

novo constitutional claims in immigration proceedings. *Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001). We deny the petition for review.

Petitioners' only contention, that the "stop-time" provision, 8 U.S.C. § 1229b(d)(1), is unconstitutional, is foreclosed by *Ram*, 243 F.3d at 517-18 (observing that the statute does not authorize post-charge accumulation of time toward the physical presence requirement and rejecting equal protection and due process challenges to the "stop-time" rule). We are not persuaded by petitioners' contention that *INS v. St. Cyr*, 533 U.S. 289 (2001), requires a different result. *Cf. Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 599-602 (9th Cir. 2002).

PETITION FOR REVIEW DENIED.